

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):	FOR COURT USE ONLY
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Pollitt Law, Inc.] .
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Beverly Hills, CA 90212	
TELEPHONE NO: (310) 553-8533 FAX NO. (Optional): (310) 785-4200	·
E-MAIL ADDRESS (Optional):	
ATTORNEY FOR (Name): Plaintiff	FILED
NAME OF COURT: Alameda Superior Court	ALAMEDA COUNTY
STREET ADDRESS: 24405 Amador Street	TIEST MATERIA COUNTY
	UU 07 0040
mailing address: Hayward, CA 94544	JUL 27 2016
CITY AND ZIP CODE:	CT EDY OF
BRANCH NAME: Hayward Hall of Justice	CLERK OF THE SUPERIOR COURT
PLAINTIFF: Teodora Tapia also known as Teodora Rodriguez	By I Mina Cine
De Tapia	Deputy
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DEFENDANT: Tesla Motors, Inc., and	
DOES 1 TO 25, inclusive,	
	1
COMPLAINT—Personal Injury, Property Damage, Wrongful Death	
AMENDED (Number):	
Type (check all that apply):	
MOTOR VEHICLE OTHER (specify):	
Property Damage Wrongful Death	
Personal Injury Other Damages (specify):	
Jurisdiction (check all that apply):	
ACTION IS A LIMITED CIVIL CASE	CASE NUMBER:
Amount demanded does not exceed \$10,000	110000
exceeds \$10,000, but does not exceed \$25,000	HG16825977
ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)	- dagger
ACTION IS RECLASSIFIED by this amended complaint	
from limited to unlimited	1
l =====	
from unlimited to limited	
1. PLAINTIFF (name): Teodora Tapia also known as Teodora Rodriguez Tapia	
m 1 x c . x . 175	3.4.05 : 10-10-
alleges causes of action against DEFENDANT (name): Tesla Motors, Inc., and Do	oes 1 to 25, inclusive,
2. This pleading, including attachments and exhibits, consists of the following number of page 1.	ages:6
3. Each plaintiff named above is a competent adult	
a. except plaintiff (name):	
(1) a corporation qualified to do business in California	
(2) an unincorporated entity (describe):	
(3) a public entity (describe):	
(4) a minor an adult	
(a) for whom a guardian or conservator of the estate or a guardian	an ad litem has been appointed
(b) other (specify):	
(5) other (specify):	•
	1
b. except plaintiff (name):	
(1) a corporation qualified to do business in California	
(2) an unincorporated entity (describe):	<u> }</u>
	•
	ı
(4) a minor an adult	ion ad litem has been consisted
(a) for whom a guardian or conservator of the estate or a guard	an au mein nas been appointed
(b) other (specify):	
(5) other (specify):	
Information about additional plaintiffs who are not competent adults is shown in C	Complaint—Attachment 3.
	Page 1 of

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S	HORT TITLE: Tapia v. Tesla Motors, Inc., et al.	CASE NUMBER:	
\perp	. , ,		
4.	Plaintiff (name): is doing business under the fictitious name (specify):	, .	
	and has complied with the fictitious business name laws.		
5.	Each defendant named above is a natural person a. except defendant (name): Tesla Motors, Inc. (1) a business organization, form unknown (2) a corporation (3) an unincorporated entity (describe): (4) a public entity (describe):	c. except defendant (name): (1) a business organization, form unknown (2) a corporation (3) an unincorporated entity (describe): (4) a public entity (describe):	wn
	(5) other (specify):	(5) other (specify):	
	b. except defendant (name): (1) a business organization, form unknown (2) a corporation (3) an unincorporated entity (describe): (4) a public entity (describe): (5) other (specify): Information about additional defendants who are not nature.	d. except defendant (name): (1) a business organization, form unknown (2) a corporation (3) an unincorporated entity (describe): (4) a public entity (describe): (5) other (specify): ural persons is contained in Complaint—Attachment 5.	wn
6.	The true names and capacities of defendants sued as Does are	e unknown to plaintiff.	
7.	Defendants who are joined pursuant to Code of Civil Processing	edure section 382 are (names):	
8.	This court is the proper court because a at least one defendant now resides in its jurisdictional at least one defendant now resides in its jurisdictional at least one defendant now resides in its jurisdictional at least one defendant corporate court injury to person or damage to personal property occur of the content of the court injury to person or damage to personal property occur of the court injury to person or damage to personal property occur of the court injury to person or damage to personal property occur of the court injury to person or damage to personal property occur of the court injury to person or damage to personal property occur of the court injury to person or damage to personal property occur of the court injury to person or damage to personal property occur of the court injury to person or damage to personal property occur of the court injury to person or damage to personal property occur of the court injury to person or damage to personal property occur of the court injury to person or damage to personal property occur of the court injury to person or damage to personal property occur of the court injury to person or damage to person or d	tion or unincorporated association is in its jurisdictional are	ea.
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9.	Plaintiff is required to comply with a claims statute, and a. plaintiff has complied with applicable claims statutes, or	or .	
	b. plaintiff is excused from complying because (specify):	1	
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		Company

SHOR	T TITLE: Tapia v. Tesla Motors, Inc., et al.	CASE NUMBER:		
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	The following causes of action are attached and the statements above apply to each (e.causes of action attached): a. Motor Vehicle b. General Negligence c. Intentional Tort d. Products Liability e. Premises Liability f. Other (specify):	ach complaint must have o	ne oi	r more
; ; ; ; ; ; ; ; ; ; ; ; ; ; ; ; ; ; ;	Plaintiff has suffered a. wage loss b. loss of use of property c. hospital and medical expenses d. general damage e. property damage f. loss of earning capacity g. other damage (specify): Permanent Injuries.			
	The damages claimed for wrongful death and the relationships of plaintiff to the death. Listed in Complaint—Attachment 12. b. Listed in Complaint—Attachment 12. c. Listed in Complaint—	eceased are		
13.	The relief sought in this complaint is within the jurisdiction of this court.			
,	PLAINTIFF PRAYS for judgment for costs of suit; for such relief as is fair, just, and equal a. (1) compensatory damages (2) punitive damages b. The amount of damages is (you must check (1) in cases for personal injury or wrong (1) cases for personal injury or wrong (2) in the amount of: \$			
15. [The paragraphs of this complaint alleged on information and belief are as follows	(specify paragraph numbei	's):	1
Date:	July 26, 2016			
	JOHN R. POLLITT	Nollia	/	i
	(TYPE OR PRINT NAME) (SIGN	NATURE OF PLAINTIFF OR ATTORNE	() !	Ì

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	A.	

	PLD-P1-001(1
SHORT TITLE:	CASE NUMBER:
Tapia v. Tesla Motors, Inc., et al.	
First CAUSE OF ACTION—Motor \	Vehicle
ATTACHMENT TO 📝 Complaint Cross - Complaint	
(Use a separate cause of action form for each cause of action.)	
Plaintiff (name): Teodora Tapia also known as Teodora Rodriguez De	e Tapia
 MV- 1. Plaintiff alleges the acts of defendants were negligent; the acts were the leand damages to plaintiff; the acts occurred on (date). August 12, 2014 at (place): The premises located at Tesla Motor, Inc., 45500 Fremont B 	
Alameda, State of California.	oulevaid, City of Plemoni, County of
MV- 2. DEFENDANTS a. The defendants who operated a motor vehicle are (names): Tesla Motors, Inc., and	
Does 1 to 25, inclusive,	
b. The defendants who employed the persons who operated a more are (names): Tesla Motors, Inc., and	otor vehicle in the course of their employment
Does 1 to 25, inclusive,	
c. The defendants who owned the motor vehicle which was opera Tesla Motors, Inc., and	ated with their permission are (names):
d. Does 1 to 25, inclusive, The defendants who entrusted the motor vehicle are (names): Tesla Motors, Inc., and	
Does 1 to 25, inclusive,	
e. The defendants who were the agents and employees of the oth of the agency were (names): Tesla Motors, Inc., and	ner defendants and acted within the scope
f. V Does 1 to 25, inclusive, The defendants who are liable to plaintiffs for other reasons an listed in Attachment MV-2f v as follows: Tesla Motors, Inc., and	d the reasons for the liability are
Does 1 to 25, inclusive,	Page Four

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SHORT TITLE: Tapia v. Tesla Motors, Inc., et al,		CASE NUMBER:	
Second . (number)	CAUSE OF ACTION—General Negligence	Page	Five
ATTACHMENT TO X Complaint	Cross-Complaint	1	
(Use a separate cause of action form	for each cause of action.)	• •	
GN-1. Plaintiff (name): Teodora Tapia	a also known as Teodora Rodriguez De Tapia		
alleges that defendant (name,): Tesla Motors, Inc., and		

X Does ____ to 25, inclusiv

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): August 12, 2014

at (place): Tesla Motors, Inc., 45500 Fremont Blvd, City of Fremont, County of Alameda, State of California.

(description of reasons for liability):

On or about August 12, 2014, at approximately 10:00 p.m., plaintiff Teodora Tapia also known as Teodora Rodriguez De Tapia, herein referred to as Plaintiff, was an employee of Flagship Facility Services, Inc., and was working on said date and time, as a janitor providing janitorial services on the premises of defendant Tesla Motors, Inc., located at 45500 Fremont Boulevard, Fremont, CA 94538.

Plaintiff was in the course of performing janitorial services when she was struck by a Tesla vehicle that was being operated/driven by Defendant, Doe 1, an employee of Defendant Tesla Motors, Inc., and/or Defendants Does 2 through 25, inclusive, and as the result, Plaintiff was pinned between the bumpers of said vehicle and another vehicle.

Defendant Doe 1, an employee of Defendant Tesla Motors, Inc., and/or Defendants Does 2 through 25, inclusive, continued to drive/operate said vehicle and struck Plaintiff a second time, pinning Plaintiff a second time, between the bumpers of the two vehicles.

As the result of Defendants' actions, Plaintiff suffered serious and permanent injuries to her lower extremities and body.

Defendants, and each of them, negligently owned, operated, controlled, maintained and inspected its premises, which caused physical and emotional injuries to Plaintiff.

Defendants, and each of them, knew or should have known, of said dangerous conditions on its premises, failed to warn Plaintiff of the dangerous conditions, failed to make safe, and failed to employ sufficient personnel to operate, manage, maintain, inspect and clean its premises.

Tapia v. Tes	la Motors, Inc., et al.	•		-	1	
	Third (number)	CAUSE OF	ACTION—Premises Liability	,	Page	Six
ATTACHN	IENT TO X Com	plaint Cross-Co	omplaint			
(Use a sep	parate cause of action	n form for each cause	of action.)			
Prem.L-1.		-	own as Teodora Rodriguez De Tap egal (proximate) cause of damage plaintiff was injured on the fo	s to plaintiff.	i in the follow	i i ing
	fashion (description	n of premises and circ	umstances of injury):	·		
	Please refer to Att	achment Prem.L-1 att	tached hereto.			
			•			
					,	
Prem.L-2.	the describe	—Negligence The de ed premises were (nar ors, Inc., and	efendants who negligently owned, r mes):	maintained, mana	ged and ope	rated
Prem.L-2.	the describe Tesla Mote	ed premises were (nar	mes):	maintained, mana	ged and ope	rated
Prem.L-2. Prem.L-3.	the describe Tesla Mote [X] Does - X] Count Two maliciously	ed premises were <i>(nar</i> ors, Inc., and to 25, incl Willful Failure to V failed to guard or warr	mes):	defendant owners	s who willfully	1
-	the describe Tesla Mote [X] Does = X Count Two maliciously (names): To	ed premises were (nar ors, Inc., and to 25, incl Willful Failure to W failed to guard or warr esla Motors, Inc., and	mes): lusi: Varn [Civil Code section 846] The n against a dangerous condition, u	defendant owners	s who willfully	1
-	the describe Tesla Mote [X] Does - [X] Count Two maliciously (names): To	ed premises were (nareors, Inc., and to 25 incl Willful Failure to Warresla Motors, Inc., and to 25 incl to 25 incl	mes): lusi: Varn [Civil Code section 846] The n against a dangerous condition, u	defendant owners se, structure, or a	s who willfully	1
Prem.L-3.	the describe Tesla Mote [X] Does - [X] Count Two maliciously (names): To [X] Does - Plaintiff, a r	ed premises were (narors, Inc., and 1 to 25 incl Willful Failure to Wighted to guard or warresla Motors, Inc., and 1 to 25 inclience to 2	mes): Narn [Civil Code section 846] The control of	defendant owners se, structure, or a ying guest.	s who willfully activity were	or or
-	the describe Tesla Mote [X] Does - [X] Count Two maliciously (names): To [X] Does - Plaintiff, a r	ed premises were (narors, Inc., and 1 to 25 incl Willful Failure to Wighted to guard or warresla Motors, Inc., and 1 to 25 inclience to 2	mes): Varn [Civil Code section 846] The case of the c	defendant owners se, structure, or a ying guest.	s who willfully activity were	or or
Prem.L-3.	the describe Tesla Mote [X] Does - [X] Count Two maliciously (names): To [X] Does - Plaintiff, a r Count Three on which a constant	ed premises were (narors, Inc., and 1 to 25, incl	wes): Varn [Civil Code section 846] The control of Public Property The defendance of the control of the contro	defendant owners se, structure, or a sying guest. endants who owner a series of the sye corrected it.	s who willfully activity were ed public pro	perty
Prem.L-3.	the describe Tesla Mote Tesla Mote X Does - X Count Two maliciously (names): To X Does - Plaintiff, a r Count Thre on which a a. The dan b. The a. X Allegations other defen	ed premises were (narors, Inc., and 1 to 25, incl	warn [Civil Code section 846] The construction and invited guest a partial and invited guest and invited guest and invited guest are partial and invited guest and invited guest and invited guest are partial and invited guest and invited guest are partial and invited guest and invited guest are partial and invited guest and invited gue	defendant owners se, structure, or a sying guest. endants who owners we corrected it. ublic entity. e agents and emp	s who willfully activity were ed public pro e existence o	perty

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SH	HORT TITLE: CASE NUMBER:		- 1	
<u> </u>	Tapia v. Teslar Motors, Inc., et al.	-		
	ATTACHMENT (Number): Prem.L-1	Page 1	of	1
1	(This Attachment may be used with any Judicial Council form.)	(Add pages	as req	uired)
2	On or about August 12, 2014, at approximately 10:00 p.m., plaintiff Teodora	Tapia also k	nown	as
3	Teodora Rodriguez De Tapia, herein referred to as Plaintiff, was an employee of	f Flagship Fa	cility	
	Services, Inc., and was working on said date and time, as a janitor providing jan	. 1		
4	premises of defendant Tesla Motors, Inc., located at 45500 Fremont Boulevard,	Fremont, CA	. 9453	8.
5	Disingles and in the same of marketing in the side of	1. 1		1 .
6	Plaintiff was in the course of performing janitorial services when she was structured that was being operated/driven by Defendant, Doe 1, an employee of Defendant			
7	and/or Defendants Does 2 through 25, inclusive, and as the result, Plaintiff was 1			
'	bumpers of said vehicle and another vehicle.	Jimied och	ANT CITE	•
8	*			
9	Defendant Doe 1, an employee of Defendant Tesla Motors, Inc., and/or Defendant			*
	25, inclusive, continued to drive/operate said vehicle and struck Plaintiff a secon	ıd time, pinn	ng Pl	aintiff
10	a second time, between the bumpers of the two vehicles.	;	-	
11	As the verylt of Defendants' estions. Plaintiff suffered agricus and norman ant	: d se soinciei	1	
12	As the result of Defendants' actions, Plaintiff suffered serious and permanent extremities and body.	mjuries to n	er iow	/er
	Cationities and oddy.		ļ	
13	Defendants, and each of them, negligently owned, operated, controlled, mair	ntained and i	aspect	ted its
14	premises, which caused physical and emotional injuries to Plaintiff.		~ <u> </u>	
15			;	
	Defendants, and each of them, knew or should have known, of said dangerou		1	
16	premises, failed to warn Plaintiff of the dangerous conditions, failed to make saf sufficient personnel to operate, manage, maintain, inspect and clean its premises		to em	pioy
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27	//Etha itam that this Attachment concerns is made under south, of parity all statements in this A	#		

Form Approved for Optional Use Judicial Council of California MC-025 [Rev. January 1, 2007]

penalty of perjury.)

ATTACHMENT to Judicial Council Form Page 1 of 1
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